

By: Naishtat

H.B. No. 4561

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting institutions of higher education from disciplining students for conduct involving speech or expression.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9315 to read as follows:

Sec. 51.9315. FREEDOM FROM DISCIPLINARY ACTION FOR PROTECTED SPEECH OR EXPRESSION. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education may not subject a student to disciplinary action for conduct that, if engaged in by a person with no connection to the institution at a public location other than on the campus or other property of the institution, would be protected as free speech or expression by the Constitution of the United States or the Texas Constitution.

(c) A student enrolled at an institution of higher education may bring an action for injunctive or other appropriate relief to compel the institution to comply with this section.

(d) Nothing in this section prohibits an institution of higher education from adopting rules intended to prevent conduct that is not constitutionally protected, including threats, harassment, intimidation, and violence.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2009.